

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF CALIFORNIA

3 THIS DOCUMENT APPLIES TO
4 PLAINTIFF(S):

5 BRIAN WRIGHT, INDIVIDUALLY AND
6 AS SUCCESSOR IN INTEREST AND
7 SURVIVING HEIR OF BOBBYE
8 WRIGHT, DECEASED,

9 Plaintiff

10 v.

11 ☒ AMYLIN PHARMACEUTICALS, LLC,
12 ☒ ELI LILLY AND COMPANY,
13 ☒ MERCK SHARP & DOHME CORP.,
14 ☒ NOVO NORDISK INC.,

15 (Check all the above that apply)

16 Defendants

Pertains To Civil Action No.:

In Re: Incretin-Based Therapies
Products Liability Litigation

MDL NO. 2452

**SHORT FORM COMPLAINT
FOR DAMAGES**

Case No.: 13md2452 AJB(MDD)

SHORT FORM COMPLAINT FOR DAMAGES

17 COMES NOW the Plaintiff(s) named herein, and for Complaint against the
18 Defendants named herein, incorporates and fully adopts the Master Form Complaint
19 (the "Master Complaint") in MDL No. 2452 by reference. Plaintiff(s) further shows
20 the Court as follows:

JURISDICTION AND VENUE

21 1. Jurisdiction in this Complaint is based on:

22 ☒ Diversity of Citizenship

23 ☐ Other (As set forth below, the basis of any additional ground for
24 jurisdiction must be pleaded in sufficient detail as required by the
25 applicable Federal Rules of Civil Procedure):
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2. District Court and Division in which you might have otherwise filed absent the direct filing order entered by this Court: United States District Court for the Northern District of Florida

3. Plaintiff(s) further adopts the allegations contained in the following paragraphs of the Jurisdiction and Venue section of the Master Complaint:

☒ Paragraph 10;

☒ Paragraph 11;

☒ Paragraph 12;

☒ Paragraph 13;

☒ Paragraph 14;

☒ Paragraph 15; and/or

☐ Other allegations as to jurisdiction and venue (Plead in sufficient detail in numbered paragraphs (numbered to begin with 3(a)) as required by the applicable Federal Rules of Civil Procedure): _____

PLAINTIFF/INJURED PARTY INFORMATION

4. Injured/Deceased Party's Name: BOBBYE WRIGHT (the "Injured Party").

5. Any injury (or injuries) suffered by the Injured Party in addition to those injuries related to the Injured Party's Pancreatic Cancer, which is alleged to have been caused by the drug(s) ingested as set forth below (put "None" if applicable): Pancreatic cancer and subsequent death due to pancreatic cancer.

6. Injured Party's spouse or other party making loss of consortium claim: BRIAN WRIGHT

7. Other Plaintiff(s) and capacity, if Injured Party is deceased or otherwise incapacitated (i.e., administrator, executor, guardian, representative, conservator, successor in interest): BRIAN WRIGHT, successor in interest

8. City(ies) and State(s) of residence of Injured Party at time of ingestion

1 of the Drug(s): Panama City, Florida

2 9. City and State of residence of Injured Party at time of pancreatic
3 cancer diagnosis (if different from above): N/A

4 10. City and State of residence of Injured Party at time of diagnosis of
5 other Injury(ies) alleged in Paragraph 5 (if different from above): N/A

6 11. If applicable, City and State of current residence of Injured Party (if
7 different from above): N/A

8 12. If applicable, City and State of residence of Injured Party at time of
9 death (if different from above): N/A

10 13. If applicable, City and State of current residence of each Plaintiff,
11 including any Consortium and or other Plaintiff(s) (i.e., administrator, executor,
12 guardian, representative, conservator, successor in interest): Panama City, Florida

13 14. Check box(es) of product(s) (the "Drugs") for which you are making
14 claims in this Complaint:

15 ☒ Byetta. Dates of use: Between approximately April 4, 2013 and March
16 2014

17 ☒ Januvia. Dates of use: Between approximately June 8, 2009 and April
18 2016

19 ☐ Janumet. Dates of use: _____

20 ☒ Victoza. Dates of use: Between approximately May 16, 2014 and
21 January 2016

22 15. Date of pancreatic cancer diagnosis: September 25, 2015

23 16. If applicable, date of other injuries alleged in Paragraph 5: N/A

24 17. If applicable, date of death: April 13, 2016

25 DEFENDANTS NAMED HEREIN

26 (Check Defendants against whom Complaint is made)

27 ☒ Amylin Pharmaceuticals, LLC

28 ☒ Eli Lilly and Company

1 ☒ Merck Sharp & Dohme Corp.

2 ☒ Novo Nordisk Inc.

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4 CAUSES OF ACTION

5 (Counts in the Master Complaint brought by Plaintiff(s))

6 ☒ Count I – Strict Liability – Failure to Warn

7 ☒ Count II – Strict Liability – Design Defect

8 ☒ Count III – Negligence

9 ☒ Count IV – Breach of Implied Warranty

10 ☒ Count V – Breach of Express Warranty

11 ☒ Count VI – Punitive Damages

12 ☒ Count VII – Loss of Consortium

13 ☒ Count VIII – Wrongful Death

14 ☒ Count IX – Survival Action

15 ☐ Other Count(s): _____

16 Plead factual and legal basis for any Other Count(s) in separately numbered
17 Paragraphs (beginning with Paragraph 18) that provide sufficient information
18 and detail to comply with the applicable Federal Rules of Civil Procedure.

19 _____
20 _____
21 PRAYER FOR RELIEF AND, AS APPLICABLE,

22 PRAYER FOR RELIEF FOR SURVIVAL AND WRONGFUL DEATH

23 WHEREFORE, Plaintiff(s) pray(s) for relief as set forth in the Master
24 Complaint filed in MDL No. 2452.

25 JURY DEMAND

26 Plaintiff(s) hereby ☒ demands ☐ **does not** demand a trial by jury on all
27 issues so triable.

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3 Dated: April 12, 2018

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RESPECTFULLY SUBMITTED,

By: /s/ Michael K. Johnson

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